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BOARD MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CAL/EPA BUILDING
1001 I STREET
2ND FLOOR
COASTAL HEARING ROOM
SACRAMENTO, CALIFORNIA

TUESDAY, JULY 17, 2007
9:30 A.M.

TIFFANY C. KRAFT, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 12277

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Ms. Margo Reid Brown, Chair

Mr. Wesley Chesbro

Mr. Jeffrey Danzinger

Ms. Rosalie Mul

Ms. Cheryl Peace

Mr. Gary Petersen

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Executive Director

Mr. Elliot Block, Staff Counsel

Mr. Tom Estes, Deputy Director, Administration & Finance
Division

Ms. Kristen Garner, Executive Assistant

Mr. Howard Levenson, Deputy Director, Permitting and
Enforcement Division

Mr. Ted Rauh, Program Director, Waste Compliance and
Mitigation Program

ALSO PRESENT

Ms. Ingrid Brostrom, Center on Race, Poverty, and the
Environment

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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1 PROCEEDINGS

2 CHAIRPERSON BROWN: Good morning. I guess we
3 have to go ahead and start. Good morning. Welcome to the
4 July 17th meeting of the Integrated Waste Management
5 Board. We'll call this meeting to order.

6 And I'll ask Kristen to please call the roll.

7 EXECUTIVE ASSISTANT GARNER: Chesbro?

8 BOARD MEMBER CHESBRO: Here.

9 EXECUTIVE ASSISTANT GARNER: Danzinger?

10 BOARD MEMBER DANZINGER: Here.

11 EXECUTIVE ASSISTANT GARNER: Mulé?

12 BOARD MEMBER MULÉ: Here.

13 EXECUTIVE ASSISTANT GARNER: Peace?

14 BOARD MEMBER PEACE: Here.

15 EXECUTIVE ASSISTANT GARNER: Petersen?

16 BOARD MEMBER PETERSEN: Here.

17 EXECUTIVE ASSISTANT GARNER: Brown?

18 CHAIRPERSON BROWN: Here.

19 We're all here. We have a full complement.

20 I'd like to welcome back Member Cheryl Peace, who
21 was appointed since our last Board meeting as the Assembly
22 representative on the Board. I'm happy to have her back.

23 (Applause)

24 BOARD MEMBER PEACE: Thank you. It's good to be
25 back. I really consider it an honor to have been

1 appointed by Speaker Nuñez. I want to say it's a
2 privilege to be back here, and I look forward to working
3 with you all again.

4 BOARD MEMBER CHESBRO: Brings to mind the words
5 of the old country western song, "How can we miss you if
6 you won't go away?"

7 (Laughter)

8 CHAIRPERSON BROWN: We missed her for a month or
9 two. We let her get away, and then we got her back.

10 BOARD MEMBER CHESBRO: Meant with respect and
11 love, of course. If that's to be interpreted any other
12 way.

13 BOARD MEMBER PEACE: I don't know if this is good
14 or bad, but people said they didn't even realize I was
15 gone.

16 CHAIRPERSON BROWN: You jumped right back into
17 it, Cheryl, and started with both feet on the floor and
18 charging forward.

19 I would like to ask if anybody has any ex partes
20 to report.

21 Agendas are in the back of the room. Speaker
22 slips, if you would like to speak to any of the agenda
23 items or during the public comment period, if you can fill
24 those out and bring them up to Kristen up here.

25 We will be going into closed session at some

1 point during the day either at the conclusion of the
2 morning or the afternoon, depending on the schedule and
3 how items progress.

4 And I'd like to ask everybody to stand and recite
5 the pledge of allegiance.

6 (Thereupon the Pledge of Allegiance was
7 recited in unison.)

8 CHAIRPERSON BROWN: Thank you.

9 And now I'd like to actually --

10 BOARD MEMBER PEACE: I did have some ex partes
11 that I --

12 CHAIRPERSON BROWN: Okay. You better do them
13 quick.

14 BOARD MEMBER PEACE: I'm still not on top of
15 things since I still don't have a secretary yet, and
16 everybody is trying to help. I really appreciate that.

17 Yesterday, I did have lunch with Kara Ross from
18 the League of Cities. We talked about the Padilla bill,
19 producer responsibility, and CTs.

20 And I also met with Scott Smithline and Nick
21 Lapis from Californians Against Waste. We talked about
22 CTs, producer responsibility, and what is happening with
23 the RPPCs.

24 CHAIRPERSON BROWN: Thank you, Cheryl.

25 Now actually I would like to take a few minutes

1 to recognize one of our dear colleagues who left us just
2 recently and unfortunately passed away. Bob Conheim
3 passed away on Sunday at home in Auburn with his wife and
4 children with him. And I'd like us all to observe a
5 moment of silence to just spend a moment and think about
6 Bob, think about your wonderful interactions with him, the
7 contributions he made to the state of California, and the
8 enrichment he brought to all of our lives just knowing
9 him.

10 (Thereupon a moment of silence was observed
11 in remembrance of Bob Conheim.)

12 CHAIRPERSON BROWN: Thank you, all.

13 There will be a service I know for him in about a
14 month's time. So we will have that information available.
15 Anybody that's interested can contact any one of the Board
16 offices. We'll make sure that everybody knows.

17 And at that, Mark, I will send it to you for the
18 Executive Director's report.

19 EXECUTIVE DIRECTOR LEARY: Thank you, Madam
20 Chair. Good morning. Good morning, members.

21 Thank you for the moment of silence, Madam Chair.
22 Bob was a dear friend to all of us.

23 And I'd like to on behalf of the staff of the
24 organization welcome Cheryl back.

25 I want the staff of the organization who are

1 listening and all our stakeholders know for the first time
2 in the history of the Board a new member has come back and
3 we're not having a cake. But that was at Cheryl's own
4 choice. She didn't want one. So that's why we're not
5 having a cake, for those of you who were thinking they
6 were going to have a big caloric input this morning.

7 Since the Board's special meeting last Tuesday at
8 the Strategic Policy Development Committee and your
9 approval of the use of contractors and funds of the Waste
10 Board's to respond to the Angora fire, much has happened
11 in this week.

12 First of all, I've signed on behalf of the Board
13 an MOU with the Office of Emergency Services and El Dorado
14 County to get the ball rolling to understand basic roles
15 and responsibilities in responding to structural debris
16 removal.

17 Secondly, we've been reassured from the
18 Governor's Office and the Department of Finance that the
19 funds that we expend -- the Board funds that we do expend
20 in response to the fire will be fully reimbursed once
21 passage of the budget occurs and the Governor signs onto
22 the budget. So that I think allows us to continue to
23 spend and relieve some of our concerns about that money.

24 And the best news of all is the removals have
25 actually begun. On Friday morning, the first removals

1 occurred. At this point in time, the track record looks
2 something like this.

3 There are 255 homes that will ultimately require
4 debris removal of some sort.

5 189 of the property owners have in fact
6 registered with us and requested support on the Angora
7 Debris Removal Program. So 189 of those property owners
8 have granted us access. We can initiate debris removal on
9 their properties.

10 Three have been completely removed through
11 activities that occurred Friday, Saturday, and yesterday.
12 Four other sites are under the process of being removed.
13 And more sites will be coming on board as we ramp up more
14 debris removal, contractors, and operations.

15 So we may have as many as six separate site
16 properties having debris being removed at one time. So
17 things will start to occur relatively expeditiously.

18 Staff up there have continued to receive a very
19 warm reception from the property owners. In some
20 respects, treated like heroes by the folks who are there.

21 Experts in disaster removal have been observing
22 that this is one of -- who respond to the disaster
23 removals around the country have observed this is one of
24 the most organized disaster recovery programs they've ever
25 seen.

1 So I think the Board is playing a very key role,
2 and I appreciate your support in allowing the staff to
3 respond in this way. And I look forward to giving updates
4 to you and a very successful completion of the report,
5 say, end of September, October.

6 Finally, I want to pass on a quick thanks in
7 regards to the Angora disposal to Tom Estes and his staff,
8 who have worked their magic around the lack of a budget
9 and still are able to provide travel expense reimbursement
10 to our staff. As you know, typically and without a
11 budget, staff cannot travel or they have to travel at
12 their own expense and hope to be reimbursed after the
13 passage of the budget.

14 Motel rentals in Tahoe aren't cheap. So staff
15 were stretching their own dollars pretty far to
16 participate in this. But Tom and his staff responded and
17 figured out a way to make this work. So we really
18 appreciate that.

19 And then finally, my last item refers to Mr.
20 Estes and his great team. We've received an award for the
21 Controller's Office, an award for achieving excellence in
22 financial reporting. And I wanted to complement Tom and
23 his staff.

24 To qualify for this award, State agencies must
25 follow specific criteria outlined in year-end financial

1 report instructions. Part of the criteria requires that
2 reports be received on or before due dates and contain the
3 proper account titles and code, and financial information
4 must be comparable -- it's got to be done right.

5 Tom and his staff are doing it right. And as a
6 result, the Controller's Office have given us the award
7 for achieving excellent in financial reporting. Kudos to
8 Tom and his team.

9 With that, Madam Chair, I conclude my report.

10 CHAIRPERSON BROWN: Congratulations, Tom. Very,
11 very impressive.

12 BOARD MEMBER DANZINGER: After all, who is Tom
13 without his team.

14 DEPUTY DIRECTOR ESTES: Well said.

15 CHAIRPERSON BROWN: Congratulations, team.

16 Thank you, Mark. I appreciate that.

17 And I know Ted and his team have been tirelessly
18 working with the Interagency Working Group on this Angora
19 removal. And thank you for your great work. I know it's
20 a way for us to showcase what we actually do so well. And
21 you guys are doing a tremendous job. Thank you.

22 PROGRAM DIRECTOR RAUH: Thank you, Madam Chair.
23 It's nice to have as our responder up there and first team
24 hitter somebody that's recognized nationally for this kind
25 of response, Todd Thalhammer.

1 CHAIRPERSON BROWN: Great job.

2 Okay, with that, any other comments?

3 We have fiscal consent Items 2, 4, 5 Revised, 6
4 Revised, 7, and 14 are on the consent agenda.

5 Item 1 was pulled off the consent agenda at the
6 request of the Center on Race and Poverty and the
7 Environment. And that will be heard by the full Board.

8 Also, Board Item 20 was requested to be pulled
9 off the consent agenda. So that will also be heard by the
10 full Board.

11 So consent agenda, do I have any other items that
12 are being requested to be pulled at this time?

13 Could I have a motion?

14 BOARD MEMBER MULÉ: Madam Chair, I'd like to move
15 approval of the consent agenda.

16 BOARD MEMBER DANZINGER: Second.

17 CHAIRPERSON BROWN: It's been moved by Member
18 Mulé, seconded by Member Danzinger.

19 Kristen, can you call the roll?

20 EXECUTIVE ASSISTANT GARNER: Chesbro?

21 BOARD MEMBER CHESBRO: Aye.

22 EXECUTIVE ASSISTANT GARNER: Danzinger?

23 BOARD MEMBER DANZINGER: Aye.

24 EXECUTIVE ASSISTANT GARNER: Mulé?

25 BOARD MEMBER MULÉ: Aye.

1 EXECUTIVE ASSISTANT GARNER: Peace?

2 BOARD MEMBER PEACE: Aye.

3 EXECUTIVE ASSISTANT GARNER: Petersen?

4 BOARD MEMBER PETERSEN: Aye.

5 EXECUTIVE ASSISTANT GARNER: Brown?

6 CHAIRPERSON BROWN: Aye.

7 The consent agenda passes.

8 We will move next to the fiscal consent, Items 8,
9 18, 19, 21 Revised, and 22.

10 I'll go first to Committee Chair Mulé. We'll do
11 the Permitting and Compliance items first. Do you have a
12 Committee report?

13 BOARD MEMBER MULÉ: Yes, I do. Thank you, Madam
14 Chair.

15 We heard four facility permit items. All of
16 those were just approved on the consent agenda. We will
17 be hearing at the full Board the nondisposal facility
18 element in San Bernardino County for Nursery Products.

19 There was one Compliance Order recommended by
20 staff and concurred with by the Committee for the City of
21 Hawaiian Gardens.

22 There was a grant award to the California
23 District Attorneys' Association, which is Item 8, which
24 we'll hear shortly, for prosecution of illegal dumping and
25 waste tire enforcement.

1 With that, that concludes my report. Thank you.

2 CHAIRPERSON BROWN: Thank you.

3 We'll move to Agenda Item 8, and Ted Rauh to
4 present. Are you presenting, Ted?

5 PROGRAM DIRECTOR RAUH: I certainly can. This
6 item is Consideration of an Award of a Waste Tire
7 Enforcement Grant and Solid Waste Disposal and Codisposal
8 Site Cleanup Program Grant for the California District
9 Attorneys Association Circuit Prosecutor Project.

10 This project or this combination of grants will
11 provide the Board with assistance from this group and
12 enforcement actions across the state focusing primarily on
13 rural activities. And we're very glad to provide the
14 combination of funds to expand the ability of that
15 Association to provide support.

16 Staff requests that the Board approve Resolution
17 2007-155.

18 CHAIRPERSON BROWN: Thank you, Ted.

19 Any questions from Board members on this item?
20 Can I have a motion?

21 BOARD MEMBER MULÉ: Madam Chair, I'd like to move
22 Resolution 2007-155.

23 BOARD MEMBER PEACE: Second.

24 CHAIRPERSON BROWN: It's been moved by Member
25 Mulé, seconded by Member Peace.

1 EXECUTIVE ASSISTANT GARNER: Chesbro?
2 BOARD MEMBER CHESBRO: Aye.
3 EXECUTIVE ASSISTANT GARNER: Danzinger?
4 BOARD MEMBER DANZINGER: Aye.
5 EXECUTIVE ASSISTANT GARNER: Mulé?
6 BOARD MEMBER MULÉ: Aye.
7 EXECUTIVE ASSISTANT GARNER: Peace?
8 BOARD MEMBER PEACE: Aye.
9 EXECUTIVE ASSISTANT GARNER: Petersen?
10 BOARD MEMBER PETERSEN: Aye.
11 EXECUTIVE ASSISTANT GARNER: Brown?
12 CHAIRPERSON BROWN: Aye.
13 Thank you. The Resolution passes.
14 We'll move next to -- we'll skip over Strategic
15 Policy. I'll do a little Committee report at the end.
16 And we'll move next to fiscal consent items under Market
17 Development and Sustainability. And Committee Chair
18 Petersen, do you have a report?
19 BOARD MEMBER PETERSEN: I'm up?
20 CHAIRPERSON BROWN: You're up.
21 BOARD MEMBER PETERSEN: We had eleven items:
22 Four for presentation; one on the consent calendar, which
23 we just approved; four fiscal consent; and one item
24 pulled, Item 23, Stripes to Stripes, which is going to be
25 heard later on some time, and Item 20 which is going to be

1 heard by the full Board. And that's it.

2 CHAIRPERSON BROWN: That's it. We will move to
3 Item 18. Howard Levenson.

4 PROGRAM DIRECTOR LEVENSON: Thank you, Madam
5 Chair. Good morning, Board members. Howard Levenson with
6 the Sustainability Program.

7 Item 18 is Consideration of the RMDZ Revolving
8 Loan Program Application for FiberWood, LLC. FiberWood is
9 requesting a loan of \$424,800 to finance the purchase of
10 equipment for manufacturing hydromulch from postconsumer
11 mixed wastepaper.

12 We heard pretty compelling testimony at the
13 Committee meeting from the owner of the company about
14 their plans up at McClellan, and I think everyone felt
15 this was a pretty worthwhile project to pursue.

16 Staff recommends the Board approve Option Number
17 1 and approve Resolution 2007-159.

18 CHAIRPERSON BROWN: Any questions?

19 BOARD MEMBER PETERSEN: I'd like to move
20 Resolution --

21 CHAIRPERSON BROWN: 2007-159.

22 BOARD MEMBER PETERSEN: That's what I'd like to
23 do.

24 BOARD MEMBER CHESBRO: Second.

25 BOARD MEMBER MULÉ: Second.

1 CHAIRPERSON BROWN: It's been moved by Member
2 Petersen and seconded by Member Chesbro and Mulé.
3 Kristen, can you call the roll?
4 EXECUTIVE ASSISTANT GARNER: Chesbro?
5 BOARD MEMBER CHESBRO: Aye.
6 EXECUTIVE ASSISTANT GARNER: Danzinger?
7 BOARD MEMBER DANZINGER: Aye.
8 EXECUTIVE ASSISTANT GARNER: Mulé?
9 BOARD MEMBER MULÉ: Aye.
10 EXECUTIVE ASSISTANT GARNER: Peace?
11 BOARD MEMBER PEACE: Aye.
12 EXECUTIVE ASSISTANT GARNER: Petersen?
13 BOARD MEMBER PETERSEN: Aye.
14 EXECUTIVE ASSISTANT GARNER: Brown?
15 CHAIRPERSON BROWN: Aye.
16 See, things haven't changed around here, Cheryl.
17 It's just comedy, comedy, comedy.
18 BOARD MEMBER PETERSEN: Just keep it going.
19 CHAIRPERSON BROWN: Item 19, Howard.
20 PROGRAM DIRECTOR LEVENSON: Thank you. This is
21 Consideration of Scope of Work and Contractor for the
22 State Agency Partnership to Support the Use of
23 Tire-Derived Products Contract.
24 Staff's requesting consideration of an
25 interagency agreement with Orange County Fair and

1 Exposition Center. This represents the third in a series
2 of contracts with fairs, county fairs and State fair, to
3 educate the public and have more outreach on the use of
4 tire-derived products.

5 Staff recommends the approval of the Scope of
6 Work and Orange County Fair and Exposition Center as
7 contractor for this and recommends that the Board adopt
8 Resolution Number 2007-156.

9 CHAIRPERSON BROWN: Any questions?

10 Let's see if you can say exposition three times
11 really fast. Exposition, exposition, exposition. Expo,
12 expo, expo.

13 BOARD MEMBER PETERSEN: You guys are really good.

14 Can I move this motion, please?

15 CHAIRPERSON BROWN: Motion is moved -- Resolution
16 is moved. Is there a second?

17 BOARD MEMBER PETERSEN: 2007-156.

18 BOARD MEMBER CHESBRO: What he said.

19 CHAIRPERSON BROWN: Second that.

20 It's been moved by Member Petersen, seconded by
21 Member Chesbro.

22 Kristen.

23 EXECUTIVE ASSISTANT GARNER: Chesbro?

24 BOARD MEMBER CHESBRO: Aye.

25 EXECUTIVE ASSISTANT GARNER: Danzinger?

1 BOARD MEMBER DANZINGER: Aye.

2 EXECUTIVE ASSISTANT GARNER: Mulé?

3 BOARD MEMBER MULÉ: Aye.

4 EXECUTIVE ASSISTANT GARNER: Peace?

5 BOARD MEMBER PEACE: Aye

6 EXECUTIVE ASSISTANT GARNER: Petersen?

7 BOARD MEMBER PETERSEN: Aye.

8 EXECUTIVE ASSISTANT GARNER: Brown?

9 CHAIRPERSON BROWN: Aye.

10 Thank you. The Resolution passes. We'll move to
11 Agenda Item 21, Howard.

12 PROGRAM DIRECTOR LEVENSON: Thank you.

13 Item 21, which is revised, is Consideration of
14 Grant Awards for the Targeted Rubberized Asphalt Concrete
15 Incentive Grant Program. It was revised prior to the
16 Committee meeting.

17 This is our monthly or so item when we have
18 applications for new users. We received two eligible
19 applications, and we're recommending that the Board
20 approve the award of funds totaling \$311,365 to Yolo
21 County and the City of Maywood.

22 We recommend that the Board approve Option 1 and
23 adopt Resolution 2007-158 Revised.

24 CHAIRPERSON BROWN: Any questions?

25 BOARD MEMBER PETERSEN: I'd like to move

1 Resolution 2007-158 Revised.

2 BOARD MEMBER CHESBRO: Second.

3 CHAIRPERSON BROWN: It's been moved by Member
4 Petersen and seconded by Member Chesbro.

5 Kristen.

6 EXECUTIVE ASSISTANT GARNER: Chesbro?

7 BOARD MEMBER CHESBRO: Aye.

8 EXECUTIVE ASSISTANT GARNER: Danzinger?

9 BOARD MEMBER DANZINGER: Aye.

10 EXECUTIVE ASSISTANT GARNER: Mulé?

11 BOARD MEMBER MULÉ: Aye.

12 EXECUTIVE ASSISTANT GARNER: Peace?

13 BOARD MEMBER PEACE: Aye.

14 EXECUTIVE ASSISTANT GARNER: Petersen?

15 BOARD MEMBER PETERSEN: Aye.

16 EXECUTIVE ASSISTANT GARNER: Brown?

17 CHAIRPERSON BROWN: Aye.

18 Howard.

19 PROGRAM DIRECTOR LEVENSON: Thank you. Last of
20 the fiscal consent, I believe, is 22, which is
21 Consideration of the Grant Awards for the Reuse Assistance
22 Grants Program, or RAGS.

23 In accordance with our grant award process for
24 the fiscal year 2007-2008 RAGS program, we received nine
25 applications totaling a little over \$343,000 in requested

1 funding.

2 Two of the applications were determined to be
3 ineligible, and one didn't receive a passing score. So
4 we're recommending that the Board approve awards to fully
5 fund the five highest scoring applications and partially
6 fund the sixth.

7 We have a total of \$250,000 to allocate at this
8 point. So based on that, we recommend that the Board
9 select Option 1 and adopt Resolution 2007-160.

10 CHAIRPERSON BROWN: Thank you, Howard.

11 Do we have any questions?

12 BOARD MEMBER PETERSEN: I'd like to move Item
13 2007-160.

14 BOARD MEMBER MULÉ: Second.

15 CHAIRPERSON BROWN: It's been moved by Member
16 Petersen and seconded by Member Mulé.

17 Kristen, can you call the roll?

18 EXECUTIVE ASSISTANT GARNER: Chesbro?

19 BOARD MEMBER CHESBRO: Aye.

20 EXECUTIVE ASSISTANT GARNER: Danzinger?

21 BOARD MEMBER DANZINGER: Aye.

22 EXECUTIVE ASSISTANT GARNER: Mulé?

23 BOARD MEMBER MULÉ: Aye.

24 EXECUTIVE ASSISTANT GARNER: Peace?

25 BOARD MEMBER PEACE: Aye.

1 EXECUTIVE ASSISTANT GARNER: Petersen?

2 BOARD MEMBER PETERSEN: Aye.

3 EXECUTIVE ASSISTANT GARNER: Brown?

4 CHAIRPERSON BROWN: Aye.

5 That is our physical -- fiscal consent. Gary has
6 me going.

7 I do want to on behalf of the Strategic
8 Development Committee or Strategic Policy Committee thank
9 the staff for just a phenomenal workshop that we did last
10 week, Howard and your team too many to name, but I will
11 give you a moment to do that. But it was just a
12 phenomenal workshop really to look at biofuels and biomass
13 and bioenergy and kind of look at the state of where
14 things are now, the opportunities and what the challenges
15 are.

16 So I think it gave us a pretty good overview of
17 where we need to go from here and what we need to do to
18 reduce the amount of disposal going into landfill and put
19 it to its highest and best use, I think is what our
20 strategic directives say.

21 BOARD MEMBER PETERSEN: Howard did a great job.

22 PROGRAM DIRECTOR LEVENSON: I didn't do anything.
23 Fernando Berton and folks like that and Brenda, they're
24 the ones who did it. And we pulled together a great
25 presentation.

1 BOARD MEMBER PETERSEN: I'm never going to play
2 against you guys. I'll lose.

3 CHAIRPERSON BROWN: It was great.

4 Don't know who it is, but it's okay.

5 Items 9, 10, 11, 13, 15, 16, and 17 were heard in
6 Committee only.

7 Items 3 and 23 as you heard were pulled.

8 So I will defer to Howard. Should we start in
9 order or should we -- why don't we --

10 PROGRAM DIRECTOR LEVENSON: I don't think our
11 representative from the Center is here yet. We understand
12 she was traveling from Oakland and was planning to be here
13 around 10:00. So could be in traffic or parking.

14 CHAIRPERSON BROWN: What I would like to
15 suggest -- I think the parking lot is closed, because I
16 was one of the last in. We'll start with Item 12, then go
17 to 20, 24 and then take up Item 1 last, giving them time
18 to get here and actually take a breath.

19 So if I can move first to Item 12, which is you
20 anyway, Howard, Discussion of the State Contracting
21 Process and Request for Direction on Related Contracting
22 Issues. So we're going to bring that up briefly.

23 PROGRAM DIRECTOR LEVENSON: I'll turn that over
24 to my teammate, Tom.

25 CHAIRPERSON BROWN: Teammate Tom.

1 DEPUTY DIRECTOR ESTES: I'm here for Howard.

2 This is picking up on the discussion that we had
3 in Committee last week basically refreshing the Board's
4 understanding of our State contracting process, why we do
5 things the way we do them. And then we had a pretty
6 lively discussion about options for the Board and what
7 they might want to consider.

8 We left the Committee with the understanding we
9 would take a look at the allocation proposal format and
10 make some modifications, which I believe you all received
11 copies of that format from Mark yesterday.

12 And I guess basically kind of going in order, do
13 you have any questions or comments about that? So that
14 will essentially be what you guys will see coming
15 hopefully within August with what we're proposing for
16 contracts in August. So you'll see basically the
17 proposals following that format.

18 We also had a discussion with the Board or with
19 the Committee -- I guess it's a Committee of the whole --
20 with respect to scoring criteria and how we were asked to
21 go back and kind of come back to you guys today with a
22 proposal as to what we thought made the most sense. And
23 so as Exec staff, we discussed this at length and decided
24 what we think makes the most sense is we will continue to
25 use the scoring criteria we used for a number of years as

1 our default.

2 And that's what we will continue to use, except
3 in those instances that we believe that, you know, where
4 we think we would like to have Board input and their
5 approval on the following types of contracts: Those that
6 are high dollar value, high political or regulatory
7 sensitivity, the potential for controversy, and those
8 contracts that are highly competitive. That would be
9 essentially what we believe would be the exception to what
10 our normal practice would be.

11 That would come to you at the same time that the
12 Scope of Work item would come to you. So it will be part
13 of that presentation. Does that seem reasonable?

14 CHAIRPERSON BROWN: Seems reasonable to me.

15 BOARD MEMBER MULÉ: Works for me.

16 CHAIRPERSON BROWN: Does anybody have any
17 questions? Okay.

18 DEPUTY DIRECTOR ESTES: The only other thing I
19 would cap this off with is we had a discussion about
20 proposals and making those available upon request. So I
21 think that was kind of where I'd like to leave, unless you
22 have anything else you'd like to discuss.

23 BOARD MEMBER CHESBRO: I made a clarification at
24 the Committee. I want to re-ask that that would not be a
25 vehicle for off-the-agenda decisionmaking about whether a

1 contractor is proceeding or not. In other words, we would
2 have -- the Board members would have a chance to review
3 it, but that wouldn't be bypassing the fact that the
4 proposals are headed for the agenda and the decision to
5 not go, for example, would be made in a public setting.

6 PROGRAM DIRECTOR LEVENSON: That's correct.

7 CHAIRPERSON BROWN: Actually, I believe we
8 envision that the proposals would be available once the
9 item is on the agenda. So you see that there is an agenda
10 item. You'd like to see the material that's anticipated
11 going on the agenda. So that's when it would become
12 available.

13 DEPUTY DIRECTOR ESTES: That's my understanding
14 as well. Thank you.

15 CHAIRPERSON BROWN: Thank you very much. That is
16 so directed. As you stated. Do that.

17 Okay. Item 20, Howard. I believe you get to
18 step up to the microphone again. Consideration of
19 Applicable Eligibility, Project Eligibility, and
20 Evaluation Process for the Tire-Derived Product Grant
21 Program.

22 PROGRAM DIRECTOR LEVENSON: Thank you. I would
23 like to pass this on to my friend Tom, but I'll take it.

24 CHAIRPERSON BROWN: He's not there for you on
25 this one.

1 PROGRAM DIRECTOR LEVENSON: No, he's not.

2 This item concerns proposed applicant and project
3 eligibility and evaluation process for the Tire-Derived
4 Product Grant Program for fiscal year 2007-2008.

5 I'm just going to give you a short presentation.
6 We certainly can provide more if you need it.

7 But at the Committee meeting last week, staff was
8 directed to revise the eligibility criteria to include
9 private schools and nonprofit community housing entities.
10 We've revised the relevant language in the revised item,
11 it's on the bottom of page 2 and top of page 3, to
12 generally reflect this. And as always when we're dealing
13 with grant programs and definition of eligibility, we'll
14 continue working with the Legal Office as we develop the
15 grant enhancement and application to further define the
16 specific terms according of what's eligible according to
17 statute.

18 For example, we'll work with our Legal Office and
19 coordinate with the Department of Housing and Community
20 Development to identify what the appropriate class of
21 nonprofit community entities would be to include in the
22 grant application. We'll also work with the Attorney
23 General's Office to further define what constitutes
24 eligible schools.

25 If we encounter any problems with this process,

1 we certainly would return to you for further direction.
2 Otherwise, I would suggest that we just update you
3 periodically on the progress. And of course when we are
4 ready to send out the grant announcement, we'll let you
5 know what's specifically in it.

6 With that, we recommend that the Board approve
7 the proposed applicant eligibility, the project
8 eligibility, and the evaluation process for the
9 Tire-Derived Product Grant Program for 2007-2008 as
10 reflected in the revised agenda item and adopt Resolution
11 2007-157.

12 We would be happy to answer any questions.

13 CHAIRPERSON BROWN: Thank you, Howard.

14 Any questions?

15 Cheryl.

16 BOARD MEMBER PEACE: There's no questions. I was
17 the one that asked this item be pulled off consent,
18 because the more I thought about it, the more concerns I
19 had.

20 In general though, even though we as a Board may
21 disagree on certain issues, I feel that we should never
22 disagree as a matter of public policy. That when there
23 are changes to an agenda item in a Committee of this
24 magnitude, that they get the proper public scrutiny before
25 the entire Board and not be placed on consent. It's just

1 a matter of public policy, like I said, I think we should
2 follow.

3 But on this item in particular, staff made some
4 good points when they recommended in the original agenda
5 item that eligible applicants remain limited to the public
6 entities and not be extended to private entities. Public
7 projects are typically seen and used by more of the public
8 than private projects, that tire-derived product grants
9 are effective marketing tools and they expose public
10 entities to benefits of the tire-derived products, thus
11 resulting in the purchase of more tire-derived products by
12 these entities. And this program continues to be
13 oversubscribed.

14 But aside from these issues -- and I realize
15 Howard said he'll be working with the AG's Office and
16 stuff. And they'll get back to us.

17 But giving a gift of public funds to a private
18 organization really raises complex issues of
19 constitutionality. And even though they might be
20 clarified later in the process by the AG's office, I think
21 those need to be clarified at least for me before we take
22 action.

23 Can we give a gift of public funds to a religious
24 institution?

25 Are there going to be any stipulations? You said

1 you would work on this, but all these things are going
2 through my mind.

3 Are there going to be any stipulation as to how
4 big the school has to be?

5 Does the school have to be accredited.

6 There are so many things out there going through
7 my mind.

8 I know that in addition to private entities to
9 this grant program was made with that -- I know the
10 addition of adding private entities to this grant program
11 was made with the best of intentions. But I really
12 believe it would be inappropriate for us to make such a
13 sweeping policy change without more thought being given to
14 the possible consequences.

15 And we haven't even talked about how would we
16 deal with the oversubscription issue. And it will be
17 oversubscribed. It always is. But adding the private
18 entities, we don't even know to what magnitude it would
19 now be oversubscribed.

20 And when it is oversubscribed, do we make sure in
21 the random selection process that not only is there a
22 north/south split of the proposed awards? Now do we need
23 to consider there needs to be a split between public
24 entities and private entities? I really feel there needs
25 to be more of a discussion.

1 But first for me, we need to answer the question
2 of constitutionality before I'm comfortable with voting
3 for this.

4 CHAIRPERSON BROWN: Thank you, Cheryl.

5 Any other comments?

6 BOARD MEMBER DANZINGER: Go ahead, Gary.

7 Well, I mean, I'm just wondering, you know, after
8 we build this into the item and it moves forward -- and
9 Marie, maybe you can answer this. It's a normal matter of
10 recourse we would deal with the AG's office or the
11 appropriate parties and make sure everything is fashioned
12 in such a way to make sure it comports with the statute
13 with the constitution, that would be a normal part of what
14 we do.

15 CHIEF COUNSEL CARTER: Marie Carter, Chief
16 Counsel.

17 Especially in situations like this -- and
18 Ms. Peace identified something that we too had identified.
19 I've already been in contact with the Department of
20 Education. And we will be in contact with the AG's Office
21 for certainly a grant of this magnitude. We weren't
22 comfortable with the fact that our eligible candidates as
23 we defined them are eligible in terms of constitutionality
24 issues.

25 BOARD MEMBER DANZINGER: Because I wouldn't want

1 us to get boxed in and make any kind of mistake either.
2 But if this is not an extraordinary process that we build
3 something in that we know in some way would be
4 appropriate, and we're just going to do -- you know, as a
5 matter of playing out this policy, we're going to get
6 again the legal opinion. We're going to course correct or
7 tweak it in whatever way is necessary. But at this point,
8 you still need to build this out, right?

9 CHIEF COUNSEL CARTER: Yes.

10 BOARD MEMBER DANZINGER: The specifics of these
11 things. So there's nothing on the face that is
12 unconstitutional or illegal about including these phrases
13 of private schools and nonprofit community housing
14 entities.

15 The point that Member Peace is bringing out is
16 there may be circumstances under which depending on how
17 you frame those specifically and how you build out the
18 specifics of how you're going to do that and where you're
19 going to reach to, you may run into some problems.

20 CHIEF COUNSEL CARTER: What would be done is look
21 at the issue from a constitutional basis and try to factor
22 those constraints into what we understood the Board to
23 direct us. That is expand this program to a child
24 environment, an environment that has control by the
25 Department of Education and that, of course, the parents

1 of these children in this facility are fee payers.

2 So working on that, it may not be a private
3 school in the strictest sense of the word. But what we
4 found is the Department of Education provides grants
5 itself, State funds, for entities that contract with the
6 Department of Education. And it's those we would be
7 looking at, because they are sanctioned by the Department
8 of Education. We can work with the Department of
9 Education and identify those specifically so that we can
10 do mailers for them. And we think that they would come
11 within the general direction that the Board gave us. And
12 that would be benefiting children in a child setting that
13 was approved by the Department of Education.

14 BOARD MEMBER DANZINGER: Okay.

15 CHAIRPERSON BROWN: I appreciate that, Marie.

16 And you know, I think as a matter of course, the
17 fact that the staff has already done this kind of work
18 prior to them bringing back to the Board language for
19 consideration I think addresses any concern that I would
20 have had, although I appreciate and know the staff works
21 very hard. They do their job very well. And that they
22 are certainly going to ensure that any Board funds are
23 going to be expended in a manner that is appropriate with
24 the law and the constitution.

25 So I appreciate the hard work that you guys have

1 done in preparation of bringing this language to us for
2 consideration. And thank you. I appreciate that.

3 BOARD MEMBER CHESBRO: Madam Chair, while I
4 appreciate Board Member Peace's caution about asking this
5 question and looking at it. I'm reassured by the fact
6 that the statute specifically does mention private
7 businesses, for example, which is a pretty broad -- and I
8 realize that legislation does -- well, it doesn't
9 specifically mention schools, but it does mention private
10 businesses. And that's broader in my estimation in terms
11 of that would allow us to take it to private for-profit
12 schools, which I'm not suggesting.

13 But I think the statute is very, very broad and
14 was intended to be broad. And while certainly legislation
15 has passed that has later been found to be
16 unconstitutional, there is a vetting process that goes on
17 in the legislative process to try to avoid making
18 decisions that are on their face obviously legislatively
19 not allowed under the constitution.

20 Personally, I have a comfort level with
21 proceeding along these lines.

22 And with regards to the specific fund being
23 oversubscribed, we had that discussion at the Committee.
24 And I think that's true. But it's also really obvious the
25 Tire Fund as a whole is not oversubscribed and that

1 creating markets for tires is the primary reason why the
2 fund was created. And that's why we would try to get more
3 money out there and more tires recycled or reused. In my
4 estimation, that's my reason for expanding the list of
5 eligible entities is to try to get more things going on to
6 create more markets.

7 CHAIRPERSON BROWN: Thank you.

8 Gary, do you have a comment?

9 BOARD MEMBER PETERSEN: I just agree with
10 everybody. This is really good. And I appreciate what
11 Cheryl has said.

12 But I'd like to move this motion. Can we do
13 that? 2007-157.

14 CHAIRPERSON BROWN: I think you can move it as
15 long as there's no other comments.

16 BOARD MEMBER PETERSEN: Oh, do you want to say
17 anything? Rosalie, you agree, too? I agree with Marie.
18 She's on it.

19 BOARD MEMBER MULÉ: Gary, I agree with everything
20 that you said.

21 BOARD MEMBER PETERSEN: Okay.

22 CHAIRPERSON BROWN: We have a motion on the
23 floor. Do we have a second?

24 BOARD MEMBER DANZINGER: Second.

25 CHAIRPERSON BROWN: It's been moved by Member

1 Petersen and seconded by Member Danzinger.
2 Kristen, can you call the roll?
3 EXECUTIVE ASSISTANT GARNER: Chesbro?
4 BOARD MEMBER CHESBRO: Aye.
5 EXECUTIVE ASSISTANT GARNER: Danzinger?
6 BOARD MEMBER DANZINGER: Aye.
7 EXECUTIVE ASSISTANT GARNER: Mulé?
8 BOARD MEMBER MULÉ: Aye.
9 EXECUTIVE ASSISTANT GARNER: Peace?
10 BOARD MEMBER PEACE: No.
11 CHAIRPERSON BROWN: Petersen?
12 BOARD MEMBER PETERSEN: Yes.
13 EXECUTIVE ASSISTANT GARNER: Brown?
14 CHAIRPERSON BROWN: Aye.
15 And Resolution 2007-157 passes.
16 PROGRAM DIRECTOR LEVENSON: Madam Chair, I would
17 like to thank staff for all the work, Marie, Michelle
18 Martin, Bonnie, Marissa, Victoria, and others. A lot went
19 on behind the scenes Thursday, Friday, and over the
20 weekend in terms of e-mail traffic in doing research on
21 this. So I appreciate their work.
22 CHAIRPERSON BROWN: And their continued work to
23 ensure that as we go forward we are --
24 BOARD MEMBER DANZINGER: We are confident we are
25 going to move forward on this.

1 CHAIRPERSON BROWN: Thanks, Marie.

2 Now we'll move to -- actually, we'll move to Item
3 1. Item 24 will be heard later. Well, maybe like after
4 Item 1 we can start.

5 So I'm going to move to Item 1 on the agenda is
6 which is Consideration of the Amended Nondisposal Facility
7 Element for the Unincorporated Area of San Bernardino
8 County.

9 And I assume we'll start with the staff
10 presentation, Howard. So we can go ahead and do that.

11 PROGRAM DIRECTOR LEVENSON: Thank you. I will
12 give a short presentation. I do understand that our
13 representative from the Center has just arrived. So we
14 should be able to proceed.

15 Item 1 on today's agenda is Consideration of the
16 Amended Nondisposal Facility Element for the
17 Unincorporated Area of San Bernardino County.

18 The County has amended its NDFE by identifying
19 and describing Nursery Products, LLC, as a new facility.
20 Under the Board's governance policies, nondisposal
21 facility elements typically are delegated to the Executive
22 Director for action. However, this item is coming before
23 the Board for consideration instead of the Executive
24 Director because of the controversial nature of this
25 particular site and the history surrounding this company

1 in general.

2 The Center on Race, Poverty, and the Environment
3 provided a written statement to the Board prior to the
4 Committee meetings alleging the County did not correctly
5 follow the Board's regulatory procedure for amending
6 NDFEs.

7 We heard these issues in the Permitting and
8 Compliance Committee last week. Our Legal Office
9 responded to them. And the Committee then approved the
10 Resolution for the amended NDFE.

11 The Center submitted a subsequent letter late
12 last week, and our Legal Office responded in writing on
13 Friday, July 13th.

14 And in our view -- and the Legal Office is
15 prepared to discuss this further. But in our view as
16 staff, there have been no new issues that are raised by
17 the subsequent letter. And so we are prepared to
18 recommend that the Board approve Option 1 to approve the
19 County's amended NDFE and adopt Resolution 2007-145.

20 That concludes our presentation. We generically
21 would be happy to answer any questions you have.

22 CHAIRPERSON BROWN: Does anybody on the Committee
23 have any questions?

24 I don't have a speaker slip for you yet. So I
25 need you to fill that out and hand it to Kristen so I can

1 announce you. I assume we have a speaker.

2 Elliot, is there anything that you'd like to
3 report?

4 STAFF COUNSEL BLOCK: While that's happening, all
5 I'd simply say -- and we'll make sure to put a copy of
6 both the letter that was submitted by the Center after the
7 community meeting and our response, we'll provide it for
8 the record.

9 CHAIRPERSON BROWN: Thank you. I appreciate
10 that. Do you have extra copies? If you don't, that's
11 okay.

12 STAFF COUNSEL BLOCK: I have some extra copies of
13 my response. I don't have extra copies of the original
14 letter.

15 CHAIRPERSON BROWN: Thank you. I didn't print
16 them.

17 MS. BROSTROM: Okay. Ingrid Brostrom on behalf
18 of the Center on Race, Poverty, and the Environment. Hi.
19 Good morning, Board.

20 I will just address today some of the last points
21 that I made in the letter to reiterate our view that there
22 are several procedural errors that are very clear cut and
23 clearly defined that Nursery Products and the County of
24 San Bernardino did not follow. Even though there are
25 other procedural errors, we think these are the most

1 egregious.

2 The first of which is that SWAT, the local task
3 force, never received a final copy of the amendment. What
4 they did receive was a packet loosely describing the
5 project. And that was a year prior to its actually being
6 approved, in which time there have been a lot of changes,
7 including in some of the information that was mandatorily
8 required, including participating jurisdictions which I'll
9 also get to in a second.

10 Because the task force never had the final draft
11 in front of it, then the 90-day comment period never
12 properly began. That is one of our contentions is that
13 the local task force should be given an opportunity to
14 look at the final draft. And in that way, the public can
15 have an opportunity also to participate in the process.

16 Our other contention that I stated in the first
17 letter was that the public was not notified or was
18 actually notified that the Nursery Products amendment was
19 not on the agenda for the day it actually was. So they
20 were stifled in their ability to participate. That's
21 another reason that the public should have an opportunity
22 to be involved and why SWAT should have an opportunity to
23 look at the final draft and include the public.

24 And our second contention is that nowhere have
25 the participating jurisdictions been clearly identified.

1 That's not in the initial packet given to the SWAT team,
2 nor in the two subsequent drafts of the amendment that
3 were put out or at least on the agenda for the County of
4 San Bernardino's public hearing.

5 And I think legal counsel has stated that as long
6 as one participating jurisdiction has been listed, that's
7 legally adequate. And I just don't think that you can
8 look at the statute and say that that is a reading that's
9 permissible.

10 Policy-wise, the California Integrated Waste
11 Management, one of its purposes is to identify nondisposal
12 choices for all jurisdictions. And in fact, even if
13 you're using somebody else's jurisdiction, you also have
14 to do an NDFE. It's a separate process. And if those
15 jurisdictions are not identified anywhere, then how can we
16 know where the nondisposal facility elements are working,
17 what jurisdictions are using this facility?

18 Sorry about that.

19 For that reason, we also believe it's necessary
20 that the jurisdictions, all the jurisdictions, be listed.
21 And in the documents, in the planning documents, and in
22 EIRs those jurisdictions of been identified including
23 Riverside County, L.A., and those types of areas which
24 were never put in the final NDFE.

25 So those very specific reasons: One, the

1 participating jurisdictions not be listed; and two, that
2 the local task force had no opportunity to look at the
3 final draft, just with those reasons alone, never mind all
4 the policy behind this project, we believe that we should
5 go back to the drawing board. The Integrated Waste
6 Management Board should give the county a second chance to
7 correct the mistakes and give SWAT an opportunity to have
8 a full process for the public. Thank you.

9 CHAIRPERSON BROWN: Elliot, can you respond to
10 the concerns that were raised by Ingrid?

11 STAFF COUNSEL BLOCK: Let me go ahead and make a
12 couple of remarks. And then I think if you have some
13 further questions, we can go from there. Because as was
14 indicated, I think these are the points that were raised
15 in the letter that was received on Wednesday. I haven't
16 responded in detail to those comments on Friday.

17 But again, I think it's worthwhile to reiterate
18 that the nondisposal facility element is a planning
19 document. It's not a permitting document. It's not a
20 document that can be enforced in that way. It doesn't set
21 terms and conditions. The fact that a jurisdiction is not
22 listed in an NDFE for a particular facility is not a basis
23 for prohibiting somebody from another city or county from
24 using that facility. That's not the way that document
25 works.

1 And the only other thing I wanted to comment
2 on -- and as was mentioned, although I think it was
3 mentioned for a different reason, people do know who is
4 using this facility, as was mentioned. The areas, the
5 jurisdictions that are planning on using the facility are
6 now listed in the Environmental Impact Report. So it's
7 not as if this information is hidden or hasn't been
8 provided.

9 We're really talking about two different things.
10 The nondisposal facility document is a fairly informal
11 general document. Statute itself particularly
12 specifically provides that when it's drafted, it's only
13 required to have the information that's available at that
14 time. And that was the information that was available
15 back in a year.

16 The thought there's some prohibition on amending
17 the NDFE more than 90 days before it's actually approved
18 by the Board of Supervisors, in this case, just there's no
19 basis for that. NDFEs are amended many times years and
20 years before permits come before the facility and the
21 process for the NDFE allows for that type of adjustments.

22 Obviously, if you're talking about a CUP or a
23 permit in front of us, that's a different story. And
24 that's where those issues come up. And as was mentioned
25 last week, the permit for this facility is coming up next

1 month. And there'll be I'm sure plenty of discussion
2 about the facility next month. But those issues are not
3 relevant for the NDFE.

4 The only other thing, just a point of
5 clarification. There was a reference to the fact that the
6 NDFE only having one participating jurisdiction listed is
7 not consistent with statute. I do need to point out that
8 the requirement for listing participating jurisdictions is
9 actually in our regulations. It's a regulation we wrote.
10 So I'm pretty comfortable I understand what the intent
11 behind that requirement was. The statute simply requires
12 a description of the facility to go to the local task
13 force. So that level of detail is something that this
14 Board has decided in the past and you have that ability to
15 do that.

16 BOARD MEMBER MULÉ: And, Elliot, that specific
17 information is included in the permit application as well
18 as through -- the NDFE, in my mind, is just a small piece
19 of the overall process in terms of getting a facility
20 sited and approved. I mean, you have your local approval
21 process. You have again an EIR that needs to be completed
22 and vetted in the public and approved, correct?

23 STAFF COUNSEL BLOCK: Correct.

24 CHAIRPERSON BROWN: In the permitting process.
25 This is not the permitting process. But the permit is

1 already filed if we're going to hear it next month. So
2 that is available for review by the public. And they're
3 in the EIR process.

4 BOARD MEMBER MULÉ: And Madam Chair, I do know
5 that Ted and his staff is arranging to have some remote
6 communication available, because I do understand that, you
7 know, not everyone can come here to Sacramento for the
8 meeting. So we are arranging for remote communication so
9 that the public will have access to the Board, to the
10 Committee for input on this particular permit.

11 PROGRAM DIRECTOR RAUH: That's correct. We are
12 making those arrangements.

13 CHAIRPERSON BROWN: Thank you, Ted. I appreciate
14 that.

15 Do I have any other questions?

16 Cheryl.

17 BOARD MEMBER PEACE: I would just like to
18 reiterate what I did say in the Committee, that I read all
19 the letters from the Center on Race, Poverty and the
20 Environment, as well as the letters received from the
21 concerned citizens. And I also read the March 20th
22 transcript of the Board of Supervisors meeting. I think
23 we all did.

24 I think the transcript did answer a lot of our
25 questions. Our legal staff has answered our questions and

1 our concerns. And I think we all feel that the NDFE
2 process was handled correctly by the county. And as
3 stated, adding this facility to the NDFE is not a hearing
4 on the merits of this project at all. It's just a
5 planning document. And all the concerns that the
6 community will have, whether regarding the flies, the
7 odors, or the dust, that will all be addressed during the
8 permitting process.

9 And like I said, we're going to try to set up
10 things so that people that can't make it up here can also
11 voice their concerns and we can hear those.

12 CHAIRPERSON BROWN: Thank you, Cheryl.

13 Any other comments?

14 BOARD MEMBER MULÉ: With that, I'd like to move
15 Resolution 2007-145.

16 BOARD MEMBER PEACE: Second.

17 CHAIRPERSON BROWN: It's been moved by second
18 Mulé and seconded by Member Peace.

19 Kristen, can you call the roll.

20 EXECUTIVE ASSISTANT GARNER: Chesbro?

21 BOARD MEMBER CHESBRO: Aye

22 EXECUTIVE ASSISTANT GARNER: Danzinger?

23 BOARD MEMBER DANZINGER: Aye.

24 EXECUTIVE ASSISTANT GARNER: Mulé?

25 BOARD MEMBER MULÉ: Aye.

1 EXECUTIVE ASSISTANT GARNER: Peace?

2 BOARD MEMBER PEACE: Aye.

3 EXECUTIVE ASSISTANT GARNER: Petersen?

4 BOARD MEMBER PETERSEN: Aye.

5 EXECUTIVE ASSISTANT GARNER: Brown?

6 CHAIRPERSON BROWN: Aye.

7 Okay. That brings us to Item 24. I'd like to
8 start with Item 24 while we have Eric here and then move
9 to brief closed section before we break for lunch. If you
10 want to assemble your people, Mark.

11 Item 24 is a workshop on the strategic
12 directives. We have the staff presentation on all of the
13 strategic directives. We will probably do three. Let's
14 shoot for doing three and then go into closed session and
15 then take a break for lunch and the probably reconvene
16 between 1:00 and 1:30 depending on how far we get on these
17 three to do the remainder.

18 And then we're going to go through them once. If
19 we have questions on them, we're going to sort of parking
20 lot some we want to work on so that we can get through all
21 of them today. Then if we need to go back and work on,
22 get further consideration or discussion from staff, those
23 we will take up after we've gone through all of them. So
24 we may do those in the morning.

25 So with that, we'll take a five-minute break.

1 Let you get assembled and then get back here.

2 (Thereupon, the Board convened its discussion of
3 Agenda Item #24 at 10:45 A.M and continued until
4 11:35, at which time it convened a closed session
5 that lasted until 12:10.)

6 (The Board adjourned for lunch and re-convened to
7 continue its discussion of Agenda Item #24 at
8 12:10 P.M. and concluded its meeting at 2:48
9 P.M.)

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1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing hearing was reported in shorthand by me,
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the
8 State of California, and thereafter transcribed into
9 typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said hearing nor in any
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 26th day July, 2007.

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22 TIFFANY C. KRAFT, CSR, RPR

23 Certified Shorthand Reporter

24 License No. 12277

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